

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

PATRIA JOHNSON

CIVIL ACTION NO. 21-cv-4127

VERSUS

JUDGE ELIZABETH E. FOOTE

MEDI-SCRIPT, INC.

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

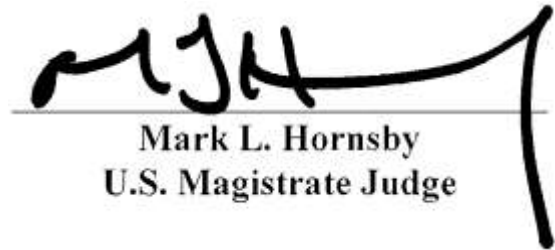
Patria Johnson (“Plaintiff”) filed this civil action in federal court based on an assertion of diversity jurisdiction, which puts the burden on her to set forth facts that show complete diversity of citizenship and an amount in controversy that exceeds \$75,000. Plaintiff alleges that she is domiciled in Texas and that the amount in controversy element is satisfied. She alleges that defendant Medi-Script, Inc. is a “domestic corporation and resides in this judicial district” and owns a pharmacy in Plain Dealing where Plaintiff slipped and fell.

A corporation is deemed to be a citizen of (1) the state in which it was incorporated and (2) the state where it has its principal place of business. 28 U.S.C. § 1332(c)(1). To establish diversity jurisdiction, a complaint or notice of removal must set forth “with specificity” a corporate party’s state of incorporation and its principal place of business. “Where the plaintiff fails to state the place of incorporation or the principal place of business of a corporate party, the pleadings are inadequate to establish diversity.” Joiner v. Diamond M Drilling Co., 677 F.2d 1035, 1039 (5th Cir. 1982). The Fifth Circuit requires

strict adherence to these straightforward rules. Howery v. Allstate Ins. Co., 243 F.3d 912, 919 (5th Cir. 2001).

The Louisiana Secretary of State's online records indicate that Medi-Script, Inc. is incorporated in Louisiana and has its principal office address in Plain Dealing, which suggests that it likely has its principal place of business in Louisiana within the meaning of Section 1332 and Hertz Corp. v. Friend, 130 S.Ct. 1181 (2010). Plaintiff will need to determine whether that is correct and include specific allegations of such facts in an amended complaint if she wishes to ensure that she has satisfied her burden of establishing subject matter jurisdiction. The deadline to address this issue is **December 20, 2021**.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 6th day of December, 2021.



Mark L. Hornsby
U.S. Magistrate Judge